

Message Text

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TO AMEMBASSY TRIPOLI

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E.O. 11652: GDS

TAGS: SHUM, LY

SUBJECT: HUMAN RIGHTS: COUNTRY EVALUATION PLAN FOR LIBYA

REF: STATE 133681

FOLLOWING IS NEA/AFN DRAFT COUNTRY EVALUATION PLAN FOR LIBYA KEYED TO OUTLINE IN REFTEL. EMBASSY IS REQUESTED TO REVIEW DRAFT AND PROVIDE DEPARTMENT ANY COMMENTS OR SUGGESTIONS ASAP.

1. CONDITIONS OF HUMAN RIGHTS IN LIBYA

A. GENERAL DESCRIPTION: UNTIL THE LAST TWO YEARS, THE LIBYAN GOVERNMENT UNDER COL. QADHAFI HAD A GOOD RECORD FOR RESPECT FOR THE INTEGRITY OF THE PERSON AND AN AVERAGE RECORD FOR CIVIL AND POLITICAL LIBERTIES IN COMPARISON WITH OTHER GOVERNMENTS IN THE MIDDLE EAST AND AFRICA. UNDER THE CONSTITUTION, TRIAL WAS GUARANTEED AND PUBLIC DEFENDERS WERE AVAILABLE. DESPITE SEVERAL ATTEMPTS PRIOR TO 1975 TO OVERTHROW THE GOVERNMENT, THERE WERE ONLY FEW REPORTS OF CONFIDENTIAL

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TORTURE OR DEATH OF PRISONERS. EARLY POLITICAL OPPONENTS OF THE REGIME FLED INTO EXILE, WERE PLACED UNDER HOUSE ARREST AND IN SOME CASES DEPRIVED OF PROPERTY. IN 1976 THE GOVERNMENT ANNOUNCED AN AMNESTY TO MANY OF THESE EARLY OPPONENTS AND SOME APPARENTLY RETURNED TO LIBYA FROM EXILE.

B. THE SITUATION DETERIORATED MARKEDLY FROM AUGUST 1975 WHEN THE LIBYAN GOVERNMENT UNCOVERED WHAT IT BELIEVED WAS

A CONSPIRACY INVOLVING HIGH-LEVEL GOVERNMENT CIVILIAN AND MILITARY OFFICERS. THERE WERE ARRESTS OF SEVERAL HUNDREDS AND LONG IMPRISONMENT WHILE SECURITY INVESTIGATIONS WERE UNDERWAY. THE PENAL CODE WAS AMENDED TO PROVIDE THE DEATH PENALTY FOR MEMBERSHIP IN ILLEGAL POLITICAL PARTIES OR OTHER ACTIVITY DEEMED TREASONOUS TO THE STATE. THE POLICE WERE ALSO GIVEN WIDE POWERS TO HANDLE MATTERS OF INTERNAL SECURITY WITHOUT THE NECESSITY OF FOLLOWING THE LEGAL PROCEDURES LAID DOWN FOR CRIMINAL CASES.

C. IN 1976, STUDENT PROTESTORS MET WITH OFFICIAL VIOLENCE AND SEVERAL HUNDRED YOUNGSTERS WERE DETAINED FOR SOME TIME WITHOUT TRIAL. IN MARCH AND APRIL 1977, THE TRIALS OF THE ALLEGED CONSPIRATORS AND THE STUDENTS WERE BROUGHT TO A CLOSE AND ABOUT 30 PERSONS WERE EXECUTED. ACCORDING TO MANY SOURCES, INCLUDING AMNESTY INTERNATIONAL (AI) QADHAFI ALTERED THE SENTENCES PASSED BY THE COURTS TO PROVIDE THE DEATH PENALTIES FOR SOME AND INCREASED TERMS OF IMPRISONMENT FOR OTHERS.

D. AMNESTY INTERNATIONAL CLAIMS THAT ABOUT 40 LIBYANS WERE ARRESTED IN APRIL 1973 FOR THEIR MEMBERSHIP IN ILLEGAL POLITICAL PARTIES (ALLEGEDLY MARXISTS, TROTSKYISTS, AND CONFIDENTIAL

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MEMBERS OF THE MOSLEM LIBERATION MOVEMENT). THESE INDIVIDUALS APPEAR TO STILL BE IMPRISONED DESPITE A COURT ORDER FOR THEIR RELEASE IN DECEMBER 1974. IN THE FIRST CASE OF ITS KIND FOR LIBYA, A FOREIGN JOURNALIST, BRANISLAV PETROVIK, WAS ARRESTED IN FEBRUARY 1977 AND CHARGED WITH ESPIONAGE. HE WAS HELD IN PRISON WITHOUT TRIAL UNTIL MAY 1977. HE HAS NOW BEEN SENTENCED TO LIFE IMPRISONMENT. THE WORLD PRESS UNION HAS APPEALED FOR HIS RELEASE.

E. ANOTHER ASPECT OF HUMAN RIGHTS IS THE PROBLEM POSED TO INTERNATIONAL TRAVELLERS AS A RESULT OF HIJACKINGS, KIDNAPPINGS, ATTACKS ON AIRPORTS AND OTHER ACTIVITIES OF INTERNATIONAL TERRORISTS. LIBYA HAS A LONG HISTORY OF SUPPORT TO SUCH TERRORIST GROUPS AND INDIVIDUALS.

2. RESPECT FOR THE INTEGRITY OF THE PERSON.

A. TORTURE: RARELY ALLEGED ALTHOUGH AMNESTY INTERNATIONAL CLAIMS THAT IT HAS RECENTLY RECEIVED REPORTS THAT 3 PERSONS DIED IN MARCH 1976 FROM ILL TREATMENT WHILE IN PRISON.

B. CRUEL, INHUMAN, OR DEGRADING PUNISHMENT: PSYCHOLOGICAL INTIMIDATION CAN REASONABLY BE SURMISED. ALSO, ARBITRARY ARREST, SOLITARY CONFINEMENT AND EXPROPRIATION OF PROPERTY ARE USED AS COERCIVE INSTRUMENTS.

C. ARBITRARY ARREST OR IMPRISONMENT: DESPITE THE GUARANTEE (AND GENERAL PRACTICE) OF PUBLIC TRIAL, THERE HAVE BEEN MANY INSTANCES OF ARBITRARY ARREST: THE CASE OF THE STUDENTS AT BENGHAZI AND TRIPOLI UNIVERSITIES IN EARLY 1976 IS THE MOST RECENT.

D. INVASION OF THE HOME: PRESUMED TO BE FREQUENT IN POLITICAL AND CIVIL CASES.

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3. RESPECT FOR CIVIL AND POLITICAL LIBERTIES

A. FREEDOM OF THOUGHT, RELIGION, ASSEMBLY: LARGELY DENIED. PERSONS SUSPECTED OF CRITICIZING THE GOVERNMENT ARE PLACED UNDER HOUSE ARREST OR IMPRISONED. NO NON-MUSLIM PLACES OF WORSHIP ARE PERMITTED AND JEWS HAVE LARGELY BEEN FORCED TO FLEE. THE MEDIA AS WELL AS SERMONS IN THE MOSQUE ARE CENSORED. NO POLITICAL PARTIES ARE PERMITTED AND PERSONS BELIEVED TO BE SYMPATHIZERS OF POLITICAL IDEOLOGY OR GROUPS NOT AUTHORIZED BY THE GOVERNMENT HAVE BEEN HARRASSED AND IMPRISONED, SOME WITHOUT BEING BROUGHT TO TRIAL. PUBLIC ASSEMBLY IS OFTEN DENIED OR PUNISHED.

B. FREEDOM OF MOVEMENT WITHIN THE COUNTRY, FOREIGN TRAVEL AND EMIGRATION POLICIES: OFTEN DENIED. LIBYANS AS WELL AS FOREIGNERS MUST APPLY FOR GOVERNMENT PERMISSION TO TRAVEL TO MANY REGIONS OF THE COUNTRY. AT TIMES OF POLITICAL STRAIN, ROAD BLOCKS PREVENT CITIZENS FROM MOVING ABOUT. NO ONE CAN LEAVE THE COUNTRY WITHOUT AN EXIT PERMIT AND THE GOVERNMENT HAS DENIED EXIT TO ITS CITIZENS. FOR A PERIOD IN 1975 MANY AMERICANS WORKING IN THE OCCIDENTAL OIL COMPANY'S OPERATIONS WERE DENIED EXIT PERMITS. IN 1975-76, AN AMERICAN CITIZEN WAS PREVENTED FROM LEAVING THE COUNTRY FOR SIX MONTHS FOLLOWING HIS ACQUITTAL BY A JUDICIAL TRIBUNAL FOR LACK OF EVIDENCE.

C. DEMOCRATIC PROCESSES ASSURING THE FREEDOM TO PARTICIPATE IN THE POLITICAL PROCESS: ESSENTIALLY DENIED. FOR MANY YEARS THERE WAS ONLY ONE LEGAL POLITICAL PARTY. MEMBERSHIP WAS LIMITED AND CONTROLLED BY THE GOVERNMENT. SINCE 1977, ALL PARTIES ARE BANNED. HOWEVER, THE GOVERNMENT HAS, SINCE 1974, DEVELOPED A SERIES OF POPULAR COMMITTEES AS AN INSTRUMENT OF LOCAL SELF-RULE AND FROM WHICH ARE CHOSEN

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DELEGATES TO PROVINCIAL AND NATIONAL ASSEMBLIES. THERE WOULD APPEAR TO BE GREATER PUBLIC PARTICIPATION IN THESE GROUPS THAN UNDER THE PREVIOUS SYSTEM BUT DECISIONS STILL

ARE CONTROLLED BY THE NATIONAL GOVERNMENT AND, AT THE TOP, BY THE HEAD OF GOVERNMENT.

4. RECENT TRENDS IN GOVERNMENTAL POLICIES RELATING TO THE FULFILLMENT OF BASIC NEEDS FOR FOOD, SHELTER, HEALTH CARE AND EDUCATION.

A. POLICIES DESIGNED TO RESPOND TO THE NEEDS OF THE POOR AND POLICIES WHICH TEND TO IGNORE THE NEEDS OF THE POOR. LIBYA HAS EMBARKED ON AN AMBITIOUS DEVELOPMENT PROGRAM SINCE THE MID-1970S WHICH HAS RESULTED IN MARKED IMPROVEMENT IN SHELTER, HEALTH CARE, EDUCATION, AND NUTRITION OF THE POOR. FREE PUBLIC EDUCATION AND MEDICAL CARE ARE AVAILABLE TO ALL LIBYANS ALTHOUGH QUALITY IS UNEVEN.

B. CORRUPTION OF SUCH A NATURE THAT SIGNIFICANT RESOURCES ARE DIVERTED TOWARD THE NATION'S ELITES AND AWAY FROM THE MAJORITY OF THE POPULATION. WHILE SIGNIFICANT CORRUPTION DOES EXIST IN GOVERNMENT PROCUREMENT PRACTICES THE DEVELOPMENT PROGRAM MENTIONED ABOVE PROBABLY IS MORE AMBITIOUS THAN ITS BUREAUCRATIC STRUCTURE CAN IMPLEMENT. SCARCE MANPOWER RESOURCES, NOT CORRUPTION, IS THE LIMITING FACTOR.

5. LIBYAN GOVERNMENT'S RESPONSIBILITY FOR THE FOREGOING HUMAN RIGHTS RECORD: WHILE SOME VIOLATIONS OF HUMAN RIGHTS MAY RESULT FROM ACTIONS OF OFFICIAL AND INFLUENTIAL INDIVIDUALS OPERATING WITHOUT GOVERNMENT KNOWLEDGE, MOST RESTRICTIONS ON POLITICAL ACTIVITY ARE GOVERNMENT-SANCTIONED ON THE GROUNDS OF NATIONAL SECURITY. ALTHOUGH THERE ARE CURRENTLY A FEW GROUPS AND INDIVIDUALS WHO ASPIRE TO OVERTHROW THE GOVERNMENT, THE BROAD RANGE OF PROHIBITIONS COVER ALMOST ALL POLITICAL ACTIVITY. THE MOST IMPORTANT

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EXCEPTION ARE THE "PEOPLES' COMMITTEES WHICH ARE PERMITTED TO HAVE AN INFLUENTIAL VOICE IN DETERMINING LOCAL BUDGETS INCLUDING SOCIAL SERVICES AND DEVELOPMENT PROJECTS.

6. LIBYA'S PAST RECORD REGARDING OUTSIDE INVESTIGATION OF ALLEGED HUMAN RIGHTS VIOLATIONS. ALTHOUGH IN 1976 AMNESTY INTERNATIONAL ANNOUNCED THAT THE LIBYAN GOVERNMENT HAD AGREED TO AN AI MISSION TO LIBYA THAT YEAR, WE HAVE NO RECORD THAT IT EVER TOOK PLACE.

7. ANALYSIS AND RECOMMENDATIONS.

A. THE QADHAFI REGIME WOULD LIKE TO BE CONSIDERED ENLIGHTENED AND PROGRESSIVE IN ITS TREATMENT OF CRIMINAL AND CIVIL CASES AND HAS BEEN RESPONSIVE TO INTERNATIONAL APPEALS IN NON-POLITICAL CASES. IN MATTERS RELATING TO ITS SECURITY, HOWEVER, THE LIBYAN GOVERNMENT IS ADAMANT.

QADHAFI CONSIDERS THE WESTERN (AS WELL AS COMMUNIST) POLITICAL SYSTEMS TO BE FAULTY AND ELITIST AND BELIEVES HIS "PEOPLES' COMMITTEES" TO BE FAR MORE FAIR. THE USG DOES NOT HAVE ANY AID PROGRAMS IN LIBYA AND BECAUSE OF ITS WEALTH, LIBYA IS NOT A DEBTOR TO INTERNATIONAL FINANCIAL INSTITUTIONS. OUR OPTIONS FOR EXERTING LEVERAGE ON LIBYA ARE LIMITED TO DIPLOMATIC DEMARCHE. IN THIS REGARD, WE EXPECT TO DELIVER A DEMARCHE TO THE LIBYANS DETAILING OUR OPPOSITION TO TERRORISM AND GIVING CONCRETE EXAMPLES OF LIBYAN-SUPPORTED AND ASSISTED TERRORIST OPERATIONS WHICH HAVE INTERDICITED INTERNATIONAL AIR TRAVEL AND HARMED INNOCENT BYSTANDERS WHO ARE UNRELATED TO THE POLITICAL CAUSES ON WHICH BEHALF THE PERPETRATORS CLAIM TO ACT. USG DEMARCHE ON GREATER RESPECT FOR HUMAN RIGHTS IN CRIMINAL AND CIVIL CASES, ALTHOUGH THEY WOULD NOT BE CONFIDENTIAL

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WELCOMED, MIGHT RESULT IN MODEST IMPROVEMENT IN THE CONDITIONS OF IMPRISONMENT AND IN SPEEDING UP TRIALS IF U.S. CITIZENS OR OTHER WESTERNERS WERE INVOLVED. CRITICISM FOR ITS TREATMENT OF POLITICAL CASES, E.G., MEMBERS OF BANNED POLITICAL PARTIES OR THE STUDENTS RIOTING OVER RIGGED UNIVERSITY ELECTIONS, WOULD BE COUNTERPRODUCTIVE IN THAT IT WOULD AROUSE SUSPICIONS OF USG COLLUSION WITH THESE INDIVIDUALS AND WOULD PROBABLY RESULT IN MORE HARSH TREATMENT OF THE ACCUSED. SUCH APPROACHES, IN ORDER TO BE ACCEPTABLE TO THE LIBYAN GOVERNMENT AND INSTRUMENTAL IN IMPROVING HUMAN RIGHTS WOULD HAVE TO APPEAR EQUALLY APPLICABLE TO ALL COUNTRIES IN WHICH INJUSTICES EXIST.

B. THE LIBYAN GOVERNMENT'S REACTION TO THE NEW USG HUMAN RIGHTS POLICIES HAS BEEN LARGEY POSITIVE. WITH ITS OPPOSITION TO MONARCHIES AND SUPPORT OF EQUALITARIAN ECONOMIC AND SOCIAL SYSTEMS, IT HAS SEEN USG STATEMENTS AS SUPPORT FOR "PROGRESSIVE" FORCES AND REGIMES. IT HAS WARNED, HOWEVER, THAT THE USG DOES NOT APPEAR SUFFICIENTLY CONCERNED ABOUT THE HUMAN RIGHTS OF ARABS AND AFRICANS OPPRESSED BY ISRAEL, RHODESIA AND SOUTH AFRICA.

C. THE LIBYANS WOULD BE RECEPTIVE TO HUMAN RIGHTS IMPROVEMENT EFFORTS INSOFAR AS THEY DID NOT SEE THEM AS POLITICALLY MOTIVATED OR SELECTIVELY SUPPORTIVE TO ISRAEL, EGYPT, AND OTHER GOVERNMENTS THEY CONSIDER HOSTILE.

D. DIPLOMATIC DEMARCHE ON HUMAN RIGHTS THAT DO NOT RELATE TO POLITICAL FREEDOMS WOULD PROBABLY NOT HARM OUR EXTENSIVE COMMERCIAL INTERESTS IN LIBYA. SHOULD THE LIBYAN GOVERNMENT DECIDE THAT THE USG WERE ENGAGED IN A POLITICALLY-MOTIVATED EFFORT TO DISCREDIT IT, IT COULD TURN ON

INDIVIDUAL AMERICAN COMPANIES OPERATING IN LIBYA OR INCREASE THE PRESENT LOW-LEVEL OF OFFICIAL HARRASSMENT

THAT PRIVATE AND OFFICIAL AMERICANS NOW EXPERIENCE IN
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LIBYA. CHRISTOPHER

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